

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector and District Magistrate, East Godavari District in respect of Smt. Polisetti Laxmi, W/o Kondaiah (late), aged 38 years, R/o. Ayyappa Nagar, Thadi Thota, Rajahmundry Town, East Godavari District- Confirmed- W.P.No.23135/2010 filed – Matter remanded to Government to consider and pass a reasoned order fixing the appropriate period of detention – Orders - Issued.

GENERAL ADMINISTRATION (LAW & ORDER.II) DEPARTMENT

G.O.Rt.No. 2564

Dated: 13.06.2011.
Read the following:-

- 1 Order of detention,Rc.No.C1(M)/496/2010, dt.22.6.2010.
of the Collector & District Magistrate, East Godavari District.
- 2 G.O. Rt. No. 3184, G.A. (L&O.II) Dept., dated 28-06-2010.
- 3 From the Advisory Board, Report, dated 12-07-2010.
- 4 G.O.Rt.No.3561,G.A. ()L&O-II) Dept., dt. 19-7-2010.
- 5 Orders of the Hon'ble High Court dt. 25-3-2011 in WP
No.23135/2010.

ORDER:

In the ref. 1st read above, the District Magistrate, East Godavari District issued detention order against Smt. Polisetti Laxmi, W/o. Kondaiah (Late), aged 38 years, R/o. Ayyappa Nagar, Thadi Thota, Rajahmundry Town, Godavari District, under section 3(1) & (2) of the A.P. Prevention of Dangerous activities of boot leggers, dacoits, drug offenders, Goondas, immoral traffic offenders and land grabbers Act, 1986, on the ground that 3 cases were registered against her in Rajahmundry North, Prohibition and Excise Station alleging commission of offence of possession, transport, sale of illicitly distilled liquor. In the ref. 2nd read above, the detention order was approved by the Government and in the ref. 4th read above, the detention was confirmed for a period of 12 months w.e.f. 22-6-2010, after review of the case by the Advisory Board on Preventive Detentions.

2. Aggrieved by the detention order, Sri P. Dugarao, Son of the detenu, Smt. Polisetti Laxmi has filed W.P.No.23135 of 2010 before the Hon' ble High Court, challenging the detention order passed against his mother, by the C& D.M. and as confirmed by the Govt. The Hon'ble High Court, in its Judgment, 5th read above, held that the activities indulged by the detenu in dealing with contraband unhesitatingly fall within the meaning of Section 2(b) and section 3(1) of the Act 1 of 1986. However, the Hon'ble High Court held that the Govt., had not addressed the question as to what weighed with it to order the maximum period of detention and no reasons have been assigned why petitioner deserve detention for 12 months. The Hon'ble High Court while upholding the detention, remanded the matter to Govt., with a direction to consider and pass a reasoned order fixing an appropriate period of detention.

3. As per the orders of Hon'ble High Court, Govt., have once again examined the entire record, and it is observed that besides the cases registered against the detenu, 6 more cases were also mentioned in the detention order and the above facts reveal that the individual has been repeatedly indulging in the offences in contravention of A.,P. Prohibition Act and the detenu was earlier detained in the year 2007. The chemical

examiner, who examined the seized ID liquor reported that the samples are illicitly distilled liquor unfit for human consumption and injurious to health, and Dr. Balraj, Chief Physician, Osmania General Hospital has narrated the ill effects of I.D. liquor to the effect that consumption of the same will cause cardiac problems like sudden death, respiratory depression, convulsion and renal failure, liver diseases and blindness, etc. The detenu, who is aged 38 years, ought not to have indulged in such clandestine boot legging business and whenever cases are booked against her, the individual is obtaining bail and continuing the said business causing widespread danger to the general public health and has been acting in a manner prejudicial to the public order. In the above circumstances, it is considered that the earlier decision of the Government in detaining the detenu, for a period of 12 months, vide G.O. 4th read above is a conscious one and is appropriate, quite reasonable and justifiable in the interest of public health and public order. It is therefore considered to confirm the earlier decision of the Government, vide G.O. 4th read above, in detaining the detenu for the maximum period of (12) months as contemplated under Law.

4. NOW, THEREFORE, after due consideration and keeping in view the directions of the Hon'ble High Court, dt. 25-3-2011 in W.P.No.23135 of 2010, Government, in exercise of the powers conferred under sub-section (1) of Section-12 read with section-13 of the said Act, hereby confirm earlier decision of the Government, vide G.O. 4th read above, in detaining Smt. Polisetti Laxmi, W/o. Kondaiah (late), R/o. Ayyappa Nagar, Thadi Thota, Rajahmundry Town, East Godavari District, be continued for a period of 12 months from the date of her detention, i.e. 22-06-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.V. PRASAD
CHIEF SECRETARY TO GOVERNMENT

To

Smt.Polisetti Laxmi, W/o. Kondaiah (late), detenu through the
Superintendent, Spl. Prison for Women, Rajahmundry,
East Godavari District.

The Superintendent, Spl. Prison for Women, Rajahmundry, East Godavari
District (with instructions to serve the order on the detenu immediately
under proper acknowledgement and arrange to read over and explain
the contents therein to the detenu in the language known to her and
report compliance to Government).

The Collector and District Magistrate, East Godavari, at Kakinada.

The Prohibition & Excise Superintendent, Rajahmundry,
East Godavari District.

Copy to:

The Director General of Police, A.P., Hyderabad.

The Director General of Prisons and Correctional Services, A.P., Hyderabad.

The Inspector General of Police (Intelligence), A.P., Hyderabad.

Sf/sc

//FORWARDED"" BY ORDER//

SECTOPM PFFOCER (SC)